



The Act excludes, however, certain delays from the seventy-day period, including delays based on “findings that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.” 18 U.S.C. § 3161(h)(7)(A). In determining whether to grant a continuance under § 3161(h)(7), the court “shall consider,” among other factors, whether denial of a continuance would likely “result in a miscarriage of justice,” or “would deny counsel for the defendant . . . the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.” § 3161(h)(7)(B)(i), (iv).

Counsel for Pettiway represents that she was recently appointed to represent Pettiway, and the discovery in this case is voluminous. She will require additional time to review discovery, meet with the defendant and investigate the charges against Mr. Pettiway. The co-defendant, Courtney Stanton, and the government do not oppose the motion to continue. After careful consideration, the court finds that the ends of justice served by granting a continuance of this trial outweigh the best interest of the public and the defendant in a speedy trial. The Court further finds that a continuance is warranted to allow Mr. Pettiway’s attorney sufficient time to investigate this case and review discovery.

Accordingly, it is

ORDERED that the motion to continue (doc. 73) be and is hereby GRANTED and the jury selection and trial are CONTINUED from February 4, 2019 to the

criminal term of court commencing on April 15, 2019, at 10:00 a.m., in Montgomery, Alabama.

The United States Magistrate Judge shall conduct a pretrial conference prior to the April trial term.

Done this 15th day of January, 2019.

/s/Emily C. Marks  
EMILY C. MARKS  
UNITED STATES DISTRICT JUDGE